

REMARKS

Withdrawn method Claims 18-22 have been cancelled.

Apparatus Claims 5-7 and 15-22 have been withdrawn from consideration by the Examiner as being allegedly directed to nonelected species. Applicants respectfully submit that instant Claim 1 is generic to Claims 2-17. Thus, upon allowance of Claim 1, Applicants request reconsideration of Claims 5-7 and 15-17.

Claims 1-4, 12, and 14 have been rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,653,748 to Strecker (“Strecker”). Claims 8-11 and 13 have been rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Strecker in view of U.S. Patent No. 5,480,423 to Ravenscroft et al. (“Ravenscroft et al.”). Reconsideration of these claims is respectfully requested.

Strecker discloses a device 10 that includes an elongated catheter 11. In the vicinity of its distal end 12, catheter 11 carries a prosthesis 15 held in a compressed position under radial pretensioning by means of a crocheted material 14, said prosthesis, following elimination of the restraining force provided by the crocheted material, changing to its intended expanded position by expanding automatically. Prosthesis 15 is surrounded by a crocheted material 14 formed by a continuous thread, with successive meshes wrapped around the prosthesis alternately on one side or the other, in other words alternately on the right or left side. The initial section 17 of the thread material, located in front of the first mesh 16 associated with the distal end 12 of catheter 11, is pulled through a slot 18 in the catheter wall, pinched in said slot, and then extends through the catheter lumen and out through the distal end of the catheter. A strippable loop 22 is pulled through a knot 21 that closes end mesh 21. The free thread end guided through knots 21 of said end mesh 20 forms a drawstring 24 extending along catheter 11, by means of which drawstring, first loop 22 held on the catheter by pinching and then gradually the mesh formed of crocheted material extending around the prosthesis and holding the latter in its compressed state, can be stripped through said end knot. Col. 6, lines 18-50.

Ravenscroft et al. disclose a catheter that includes three radiopaque markers (tantalum bands). A proximal marker 9 indicates the proximal end of the stent in the compacted state. A

central marker 11 indicates the proximal end of the stent in the expanded state. A distal marker 13 indicates the distal end of the stent. Col. 4, lines 62-66.

With respect to Claim 1, and contrary to the assertion of the Examiner, Strecker does not disclose an apparatus as called for in Claim 1 including, among other things, a visual marker capable of being seen by the operator in the field of view secured to one of the distal extremity of the flexible elongate member and the prosthesis for facilitating placement of the prosthesis in the mammalian body. As discussed above, element 20 of Strecker, referred to by the Examiner as a visual marker, is in fact an end mesh. Further, Strecker does not use the words "visual" or "marker" throughout his disclosure.

Nor do Ravenscroft et al. disclose an apparatus of the type called for in Claim 1 having a visual marker. As noted above, the markers of Ravenscroft et al. are radiopaque markers.

Accordingly, for at least the reasons stated above, Applicants respectfully request withdrawal of the rejection of Claims 1 under 35 U.S.C. §102(b) over Strecker.

Claims 2-17 depend from Claim 1 and are patentable for the same reasons as Claim 1 and by reason of the additional limitations called for therein.

New independent Claim 23 is different in scope than the claims of record and calls for an apparatus for use by an operator in a cavity of a mammalian body with a scope having a distal face providing a field of view having, in part, a visual marker capable of being seen by the operator in the field of view secured to one of the distal extremity of the flexible elongate member and the prosthesis for facilitating placement of the prosthesis in the mammalian body, the visual marker being distinct from the repeating pattern of the means for releaseably securing. Strecker does not disclose a visual marker that is distinct from the repeating pattern of the means for releaseably securing.

New dependent Claims 24-29 are patentable for the same reasons as Claim 23 and by reason of the additional limitations called for therein.

New independent Claim 30 is different than the claims of record and calls for an apparatus for use by an operator in a cavity of a mammalian body with a scope having a distal face providing a field of view having, in part, a visual marker capable of being seen by the operator in the field of view secured to one of the distal extremity of the flexible elongate

member and the prosthesis for facilitating placement of the prosthesis in the mammalian body, the visual marker being distinct from the means for releaseably securing to facilitate visualization of the marker. Strecker does not disclose a visual marker that is distinct from the means for releaseably securing to facilitate visualization of the marker.

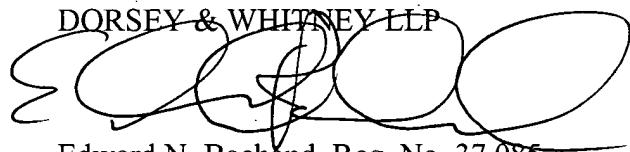
New dependent Claim 31-34 are patentable for the same reasons as Claim 30 and by reason of the additional limitations called for therein.

New Claims 23-34 are supported by the originally-filed disclosure, for example by FIGS. 3-7 and FIGS. 10-13. Thus, no new matter has been introduced by new Claims 23-34.

In view of the foregoing, it is respectfully submitted that the claims of record are allowable and that the application should be passed to issue. Should the Examiner believe that the application is not in a condition for allowance and that a telephone interview would help further prosecution of this case, the Examiner is requested to contact the undersigned attorney at the phone number below.

Date: March 28, 2006

Respectfully submitted,



DORSEY & WHITNEY LLP

Edward N. Bachand, Reg. No. 37,085

Customer No. 32,940
555 California Street, Suite 1000
San Francisco, CA 94104-1513
Telephone No.: (650) 857-1717
Facsimile No.: (650) 857-1288
4826-0309-478411